

Reconsideration and allowance of the above-identified application are respectfully requested.

Claims 1-52 are pending in the application.

Claims 14 and 27 have been amended to state that the steps are conducted in the router recited in the preamble. The breadth of the claims has not been narrowed. No claims have been amended to overcome prior art. The full doctrine of equivalents applies to each and every claim limitation.

The rejection of claims 1-2, 4-15, 17-28, 30-41, and 43-52 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,732,175 B1 (Abjanic) is respectfully traversed. Applicant respectfully submits that claims 1-2, 4-15, 17-28, 30-41, and 43-52 are not anticipated by Abjanic for the following reasons.

As described in the specification, prior XML based messages have been limited to peer to peer communications, for example between two computers exchanging information services. Hence, peer network nodes interacting based on XML documents still are limited in the services limitations of the intermediate routers on the wide area network that forward the packets carrying the data for the XML documents. Consequently, the XML based application services executed by the peer network nodes still are subject to dropped packets, latency issues, and encountering loss of service based on a network node failure. Moreover, the XML based application services cannot be distributed (e.g., geographically dispersed) so long as XML based application services are limited to exchange of XML documents between peer network nodes.

Independent claims 1, 14, 27, and 40, however, specify that XML tags are interpreted in a router. Consequently, XML based applications can be applied in routing messages across a network, as opposed to merely providing enhanced communication services between XML peer applications at the end points of the network. Hence, interoperability of application operations is no longer limited to the intersection of features and service supported by two or more communicating peers, but rather can be extended to the integration of multiple features and services among multiple process services distributed across multiple network nodes and reachable by the XML message router.

In particular, present independent claim 1 recites a “**router** configured for forwarding a received message … in which the router interprets the prescribed attributes from the XML tags” and routs the message to its proper destination. (emphasis added). Independent claim 14 recites a “method in a **router** of forwarding a received message … initiating selected application operations for routing the received message based on interpreting the prescribed attributes from the XML tags according to runtime execution of an application resource; and selectively outputting the received message to a destination node based on the selected application operations.” (emphasis added). Similarly, independent claim 27 recites a “computer readable medium having stored thereon sequences of instructions for forwarding a received message by a **router** . . . .” (emphasis added). Independent claim 40 recites a “router configured for forwarding a received message, the **router** comprising . . . .” (emphasis added). These and other features are neither disclosed nor suggested in the applied prior art. Furthermore, claims 14 and 27 add to specifically state that the steps are conducted in the router. These features, conducted in a router, are not disclosed in Abjanic.

Abjanic teaches that “a **network apparatus** is provided between a network and a plurality of processing nodes (e.g. web servers, application servers, fulfillment servers, XML servers, **routers**, switches or other devices).” ((emphasis added) See column 2, line 65 through column 3, line 2). Thus, Abjanic teaches that the “network apparatus” is separate and distinct from a router.

Hence, Abjanic discloses nothing more than conventional routers connected to a new network apparatus. In fact, Abjanic describes that “a variety of clients may be coupled or connected to a data center 135 via a network, such as the Internet 130.” (See col. 3, lines 50-52). Moreover, there is no disclosure or suggestion that the traffic manager 140 that includes the XML message director 145 could be implemented within the Internet 130. Consequently, Abjanic merely discloses that XML based messages still are limited to peer to peer communication, and as such is incapable of providing distributed process services.

As specified in MPEP '2131: “>A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference= *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ... >The identical invention must be shown in as complete

detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). MPEP 2131 (Rev. 2, May 2004, at p. 2100-73).

Further, the preambles of the independent claims must be given patentable weight. As specified in the MPEP '2111.02, Rev. 1, Feb. 2003 at page 2100-49: "Any terminology in the preamble that limits the structure of the claimed invention must be treated as a claim limitation." (Citing Corning Glass Works v. Sumitomo Elec. U.S.A., Inc., (See also MPEP '2111.02, Rev. 1, Feb. 2000 at page 2100-38: "In claims directed to articles and apparatus, any phraseology in the preamble that limits the structure of that article or apparatus must be given weight" (citing In re Stencel, 828 F.2d 751, 4 USPQ2d 1071 (Fed. Cir. 1987))) (See also Kropa v. Robie, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951)(preamble reciting "An abrasive article" deemed an essential limitation)).

Since Abjanic does not disclose all of the claimed features in each of the independent claims, Abjanic cannot anticipate any of claims 1-2, 4-15, 17-28, 30-41, and 43-52. For this reason alone, the Section 102 rejection of all claims 1-2, 4-15, 17-28, 30-41, and 43-52 should be withdrawn.

The Examiner admits that claims 3, 16, 29 and 42 are not anticipated by Abjanic. See page 7 of the Office Action. Claims 4-12 depend upon claim 3, claims 17-26 depend upon claim 16, claims 30-39 depend upon claim 29, and claims 43-52 depend upon claim 42. Thus, the Examiner has also admitted that claims 4-12, 17-26, 30-39 and 43-52 are not anticipated by Abjanic since they contain the non-anticipated subject matter of claims 3, 16, 29, and 42, respectively. For this reason alone, the Section 102 rejection of claims 4-12, 17-26, 30-39 and 43-52 should be withdrawn.

In view of the many differences between claims 1-2, 4-15, 17-28, 30-41, and 43-52 and Abjanic, withdrawal of the Section 102 rejection is respectfully requested.

The rejection of claims 3, 16, 29 and 42 under 35 U.S.C. § 103(a) as being unpatentable over Abjanic as applied to claims 1, 14, 27 and 40, in view of U.S. Publication No. 2002/0198974 A1 (Shafer) is respectfully traversed. Applicant respectfully submits that claims 3, 16, 29 and 42 are not obvious over the theoretical combination of Abjanic and Shafer for the following reasons.

There is no motivation to combine a reference teaching a new network apparatus

attached to a router (Abjanic) with a reference teaching a router network interface connected to a router (Shafer) to arrive at a new type of router. Both references teach using conventional routers connected to new devices. One of ordinary skill in the art trying to make a new router having enhanced properties would not be motivated to combine these two references teaching the use of conventional routers. For this reason alone, the Section 103 rejection should be withdrawn.

Even if the cited references were combined, the hypothetical combination does not teach or suggest claims 3, 16, 29 and 42 for the following reasons. As discussed above, Abjanic teaches a new network apparatus, as opposed to an improved web server, application server, fulfillment server, XML server, router, switch or any other device. Thus, Abjanic teaches nothing more than to use conventional routers.

Shafer teaches that the router produces XML output and that a separate “network router management interface can be configured to present, at the client’s option, either the rendered XML output or the raw XML output.” (See page 1, paragraph 0006). Thus, Shafer also teaches nothing more than using a conventional router.

Both Abjanic and Shafer teach to use conventional routers, which are attached to a new “network apparatus” (Abjanic) and/or a new “network router management interface” (Shafer). Thus, the combination of Abjanic and Shafer can only teach to use a conventional router. For this reason alone, claims 3, 16, 29 and 42 are not obvious over the combination of Abjanic and Shafer and the Section 103 rejection should be withdrawn.

Claims 3, 16, 29 and 42 are also not obvious over the combination of Abjanic and Shafer for the following reasons. The Examiner admits that Abjanic does not disclose the use of the claimed vocabulary library. Shafer also does not teach or suggest the claimed vocabulary library. Shafer teaches that the render library 70 “renders the extracted information to a human-readable format... .” (See paragraph 50 of Shafer).

Even if the Examiner is correct in arguing that it “would have been obvious for one of ordinary skill in the art to apply Shafer to Abjanic, providing Abjanic the benefit of having a render language library for the client application to access for rendering support and to render outputs based on the contents of XML style sheets and ODL files as taught by Shafer Paragraph 0053,” the hypothetical combination rendering to a human-readable format on a

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screen still would not teach or even suggest the claimed vocabulary library such that the claimed "application resource" can interpret, for example, XML tags. (See also page 8, lines 19-24 of the present specification). For this reason alone, the Section 103 rejection should be withdrawn.

In view of the lack of motivation to combine Abjanic with Shafer, and the many differences between the combination of references and claim 3, 16, 29 and 42, withdrawal of the Section 103 rejection is respectfully requested.

Since all of the objections and objections of record have been addressed, it is believed that the application is in condition for allowance and Notice to that effect is respectfully requested.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-1130, under Order No. 95-466, and please credit any excess fees to such deposit account.

Respectfully submitted,

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